

**STATE OF MAINE JUDICIAL BRANCH
PANDEMIC MANAGEMENT ORDER**

Order Issued March 30, 2020

(revised May 5, 2020)
(replaced September 3, 2020)
(revised September 23, 2020)
(revised September 28, 2020)
(revised December 1, 2020)

Order Regarding Submission of Documents by Email

This order replaces and supersedes the prior revised Pandemic Management Order PMO-SJC-3.

This order governs the filing of documents by email in civil, criminal, juvenile, family matter, and appellate cases. There shall be no filing by email of any documents in post-conviction matters. **The filing of documents by email in protection from abuse and protection from harassment cases shall be governed by PMO-SJC-3A.**

A. Documents that Can Be Filed by Email

Effective December 7, 2020, all Maine courts will accept the filing by email of certain documents in all cases, including in civil, criminal, juvenile, family matter, and appellate cases as set forth below.

1. Bangor District Court, Penobscot Superior Court, and the Business and Consumer Docket

The Bangor District Court and Penobscot Superior Court will accept only the filing by email of documents that (1) do not require a filing fee¹, and (2) are filed in one of the following types of cases: criminal, civil violations, and juvenile. Documents filed in Bangor District Court and Penobscot Superior Court in all other cases, and all documents filed in the Business and Consumer Docket are excluded from email filing because e-filing as required by the Odyssey eCourts

¹ The Revised Court Fees Schedule and Document Management Procedures (Administrative Order, AO-JB-05-26) is available at www.courts.maine.gov/rules_adminorders/

system and the RECS rules is expected to begin in those courts on November 30, 2020.

Requests for preliminary protection orders in child protection cases cannot be filed electronically into the Odyssey eCourts system on a weekend, legal holiday, or after 4:00 p.m. on a weekday. Requests for preliminary protection orders in child protection cases must be reviewed by a judge and any person seeking such review on a weekend, legal holiday, or after 4:00 p.m. on a weekday must instead follow the standard after-hours procedures for seeking judicial approval.

Notwithstanding any provision of the Maine Rules for Electronic Court Systems (RECS), representatives of the Maine Department of Health and Human Services may continue to file paper Requests for Preliminary Protection Orders pursuant to 22 M.R.S. § 4034 at courthouses until further notice.

2. All Other Maine District and Superior Courts and the Maine Supreme Judicial Court

All other Maine District and Superior Courts, and the Maine Supreme Judicial Court, will accept the filing by email of all documents at any time, **except that:**

- a. Documents that require a filing fee cannot be filed by email at any time;² and
- b. Requests for preliminary protection orders in child protection cases cannot be filed by email on a weekend, legal holiday, or after 4:00 p.m. on a weekday. Requests for preliminary protection orders in child protection cases must be reviewed by a judge and any person seeking such review on a weekend, legal holiday, or after 4:00 p.m. on a weekday must instead follow the standard after-hours procedures for seeking judicial approval.

B. Filing Date and Docketing of Documents that Are Filed by Email

² The filing of documents that require a filing fee must continue to be filed in conventional hardcopy form, along with any filing fee, at the appropriate Clerk's Office.

Email filing is being permitted as an accommodation for the current pandemic. It is occurring at a time when the courts are already understaffed and attempting to address cases under unusual stress. The filing date will be the business day the document is submitted. A day begins at 12 a.m. and ends at 11:59 p.m. in the time zone where the courthouse is located. If a document is submitted on a Saturday, Sunday, or legal holiday the filing date will be the next business day. It may take up to two business days for the filing to be docketed and all filers should expect that delay. Even when there is a delay in docketing, the filing date will be the date of submission.

C. Format of Documents that Are Filed by Email

In all District and Superior courts, except those in which Odyssey e-filing has been implemented, attorneys and parties may submit documents in Word, PDF, or other common document formats by email for filing. Proposed orders, however, must be sent in Word format (except for proposed child support orders and worksheets which may be sent as PDFs). All documents, including proposed orders, must be sent to the correct email address in the appendix attached to this order.³ Note that the type of document to be filed will determine which address to be used for each court.

In the Law Court, briefs filed pursuant to this order must be in the form of a single native .pdf file and must be signed as provided below. Appendices must be in the form of a single scanned .pdf file unless the resulting file is too large to email, in which case arrangements must be made with the Clerk of the Law Court for electronic transmission of the appendix. All other documents filed by email may be in Word, PDF, or other common document formats.

D. Email Subject Line, Signatures, and Cover Sheets for Documents that Are Filed by Email

1. Each document filed by email must list the docket number of the case and must be filed with a subject line that lists the docket number.
2. Any document filed by email must contain an electronic signature. An electronic signature is the paperless equivalent of signing one's name on a

³ These email addresses are for the sole purpose of submitting documents for filing and may not be used for other types of communication with the clerk, judges, or other Judicial Branch personnel.

piece of paper. In order to comply with PMO-SJC-2(G) each electronic signature on a document filed by email must:

- a. Be the electronic signature of the attorney or party filing the document; and
- b. Take the form of either a “facsimile signature,” defined as a captured image incorporated into the document, or a “typographical signature,” defined as a signature block with the name of the signatory typed on the signature line preceded by “/s/”.

The electronic signature shall have the same force and effect as if the attorney or party had signed a paper copy of the document.

3. The filed document must be accompanied by a cover sheet (or cover email) that includes the following information concerning the attorney or party:

- a. Printed name;
- b. Address;
- c. Telephone number;
- d. E-mail address; and,
- e. If the signer is an attorney, the name of that attorney’s law firm and the attorney’s Maine Bar number.

If the filing party has completed an Affidavit for Confidential Address in a family matter (FM-057), the filing party does **not** need to provide that party’s address, telephone number, or email address, and can instead write “confidential address” in the cover sheet or email that accompanies the emailed document.

E. Paper Originals for the Court When Documents Are Filed by Email

No paper original of any document filed by email is to be mailed or delivered to the court, except that a party filing an appellate brief and appendix with the Supreme Judicial Court by email shall mail paper originals of those briefs and appendices as required by M.R. App. P. 7(A)(i) and 8(b) no later than the next business day after the email filing. The date of filing of the electronic copy by email, **not the filing of the paper originals**, shall be considered in determining compliance with the filing deadlines.

F. Service of Documents that Are Filed by Email and Response Deadlines

1. Service by Email

When a document is filed in a case in which all parties are represented by counsel, the filing party **shall always** copy opposing counsel on the email to the court. This action shall, for the purposes of this PMO, qualify as service of those documents that are filed by email.

When a document is filed by email in a case in which any of the parties to be served is **not** represented by counsel, the filing party shall copy the unrepresented party on the email to the court, **except when**:

- a. The unrepresented party has not opted into electronic service under M.R. Civ. P. 5(b);
- b. The unrepresented party is a defendant in a criminal case; or
- c. The filing party has completed an Affidavit for Confidential Address (FM-057) in a family matter.

When an opposing party is served by copy on the email to the court, the response deadline is controlled by the applicable rules of civil, criminal, or appellate procedure, **except that, while this PMO is in effect, the response period for a motion to continue will always be 3 days from the date of filing.**

2. Service by Mail

If the filing party cannot serve a party by way of copying that party on the email to the court because: (1) the party has not opted into electronic service under M.R. Civ. P. 5(b); (2) the party is a self-represented defendant in a criminal case; or (3) the filing party has completed an Affidavit for Confidential Address (FM-057) in a family matter, then the filing party shall serve the filed document on the party by mail in accordance with the applicable rules of civil, criminal, or appellate procedure.

3. Response Deadlines

A grid showing response deadlines established by this PMO follows. These deadlines will apply for all documents filed by email, unless another time is

specifically set by the court. When service occurs by email, the response deadlines will reflect that immediacy. When service on the party occurs by mail, the response deadline shall be as set forth below, unless another time is specifically set by the court:

a. For documents filed in a civil case or family matter:

Document	Deadline to Respond	
	Deadline to Respond if Responding Party was Served by Email	Deadline to Respond if Responding Party was Served by Mail
Opposition to a motion pursuant to M.R. Civ. P. 7(c)(2)	21 days after filing date	28 days after filing date
Reply memorandum in support of a motion pursuant to M.R. Civ. P. 7(e)	14 days after filing date but not less than 2 days before hearing	21 days after filing date but not less than 2 days before hearing
Motion to strike a pleading pursuant to M.R. Civ. P. 12(f)	20 days after filing date	27 days after filing date
Response to a motion to modify support pursuant to M.R. Civ. P. 105(a)	30 days after filing date	37 days after filing date
Response to a motion for an expedited hearing filed in a family matter pursuant to M.R. Civ. P. 107(c)	7 days after filing date	14 days after filing date

b. For documents filed in a criminal case:

Document	Deadline to Respond	
	Deadline to Respond if Responding Party was Served by Email	Deadline to Respond if Responding Party was Served by Mail
Response to a defendant's motion for additional discovery pursuant to M.R.U. Crim. P. 16(d)	7 days after filing date	14 days after filing date

- c. For documents filed in any case on appeal to the Maine Supreme Judicial Court sitting as the Law Court:

Document	Deadline to Respond	
	Deadline to Respond if Responding Party was Served by Email	Deadline to Respond if Responding Party was Served by Mail
Appellee briefs and appellant reply briefs	As indicated in the briefing schedule	As indicated in the briefing schedule
Appellee's response to appellant's statement of the evidence in the event of an unavailable transcript pursuant to M.R. App. P. 5(d)(2)	7 days after filing date	14 days after filing date
Response to motions and supporting papers pursuant to M.R. App. P. 10(c)	7 days after filing date	14 days after filing date
Response to petition for appellate review of a decision of the Workers' Compensation Board pursuant to M.R. App. P. 23(b)(5)	14 days after filing date	21 days after filing date

While this PMO is in effect, the response deadlines listed above replace the deadlines now found in the rules of civil, criminal, and appellate procedure.

4. Notice of Email Filing and Response Deadline

In all cases, except child protection and juvenile cases, when a party files a document by email, that party shall file and serve a Notice of Email Filing and Response Deadline (form CV-FM-XX) as follows:

- a. For documents filed in civil cases and family matters, complete CV-FM-XX; or
- b. For documents filed in criminal cases, complete CR-XX.

G. Rejection of Documents that Are Filed by Email

Any email filing received that does not comply with this order will be rejected by the Clerk, and no filing will have occurred. **Repeated violations of this order may result in sanctions.**

Dated: November 30, 2020

For the Court:

/s/ _____

Andrew M. Mead

Acting Chief Justice

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